

**EXAMPLES OF ENERGY-RELATED COMMENTS SUBMITTED BY INDUSTRY AND GOVERNMENT ASSOCIATIONS IN RESPONSE TO
EPA’S APRIL 13, 2017 FEDERAL REGISTER NOTICE PUBLISHED IN ACCORDANCE WITH EO 13777**

Note: The comments listed below do not reflect comments related to the Clean Power Plan, New Source Performance Standards for greenhouse gas emissions from power plants, or the Oil and Gas New Source Performance Standards.

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
OAR	New Source Review (NSR) Permitting Program	<ul style="list-style-type: none"> • Revise, streamline, and simplify NSR program and permitting process • Revise rules to clarify what constitutes “routine maintenance, repair and replacement” • Address difficulties with applicability determinations • Remove program elements that impede efficiency improvements • Grandfather reasonably complete NSR permit applications that are pending when a revised National Ambient Air Quality Standard (NAAQS) comes into effect • Allow non-emitting construction activities to be undertaken before a final permit is issued • Revise synthetic minor “relaxation” provision such that small changes to enforceable limitations at synthetic minor sources do not trigger NSR • Assess the use of probabilistic models in lieu of overly conservative dispersion modeling • Finalize aggregation, debottlenecking, and project-netting policies • Modify Offset Policy • Provide mechanisms to relieve smaller sources from burdensome modeling exercises • Withdraw proposed Prevention of Significant Deterioration (PSD) significance threshold of 75,000 tons per year for greenhouse gases and propose a higher threshold • Revise various other provisions of major and minor source NSR • Revisit EPA’s 2005 NSR reform proposal as a starting point for making changes to the program 	Regulation, Guidance and Policy	Oil, Natural Gas, Coal, Electric power

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
		<ul style="list-style-type: none"> Fully delegate PSD permit review to states and modify requirements for environmentally beneficial projects 		
OAR	Title V Permitting Program	<ul style="list-style-type: none"> Consider prior comprehensive program review undertaken in 2005 by EPA's Title V Task Force, including the recommendations in their Final Report Create mechanisms to facilitate introduction of new and modified products and operations that improve efficiency Reduce the burdens of reapplying for existing permits by focusing on new requirements and changes since last permit issuance Encourage states to use general permits for smaller sources 	Regulations, Guidance and Policy	Oil, Natural Gas, Coal, Electric power
OAR	NSR and Title V Permitting Programs	<ul style="list-style-type: none"> Shorten and standardize permit approval processes Remove unnecessary reporting obligations Revise regulations and/or policies concerning "Common Control," "Contiguous or Adjacent," and "Reactivation" 	Regulation	Oil, Natural Gas, Coal, Electric power
OAR	2015 Ozone NAAQS	<ul style="list-style-type: none"> Delay 2015 ozone NAAQS implementation, such as until 2008 NAAQS is fully implemented Revoke 2008 standard once 2015 standard is effective Revise to consider, among other factors, natural sources and international transport Reconsider because of burden associated with Oil and Natural Gas Production Control Technique Guidelines (CTG) and NSR requirements 	Regulation, Guidance, and Policy	Oil, Natural Gas, Coal, Electric power
OAR	Primary NO2 NAAQS	<ul style="list-style-type: none"> Revise to lengthen averaging time 	Regulation	Coal
OAR	NAAQS Standard Setting	<ul style="list-style-type: none"> Expand membership of the Clean Air Scientific Advisory Committee (CASAC) Direct CASAC to provide assessment of adverse public health, welfare, social, economic, or energy effects of the various standards under review (section 109(d)) 	Policy	Oil, Natural Gas, Coal, Electric power
OAR	NAAQS Implementation	<ul style="list-style-type: none"> Provide prompt and clear implementation guidance when new NAAQS are issued Support flexible implementation of non-attainment designation process 	Regulation and Guidance	Oil, Natural Gas, Coal, Electric power

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
		<ul style="list-style-type: none"> • Return to prior approach of relying on air quality monitoring to make initial nonattainment designations for sulfur dioxide • Revise 40 CFR Part 50 to remove NAAQS that have been replaced and to consolidate the current NAAQS for each regulated pollutant into a single section of the Code of Federal Regulation (CFR) (i.e., scattered codification of NAAQS is “at best confusing and at worst misleading”) • Take additional steps to issue workable regulations or guidance for use of the rural ozone transport area designation • Revise interpretation of Reasonable Further Progress in proposed ozone implementation rule • Increase delegation to states 		
OAR	Exceptional Events Rule (“Treatment of Data Influenced by Exceptional Events,” 81 <i>Fed. Reg.</i> 68,216 (Oct. 3, 2016))	<ul style="list-style-type: none"> • Revise rule and associated guidance to allow for greater state flexibility in “flagging” and excluding exceptional event data, clarify that relief under the international transport provisions is available to non-border states, better address fire-related events, and provide objective, science-based criteria for approving a demonstration 	Regulation and Guidance	Oil, Natural Gas, Electric Power
OAR	Tribal Federal Implementation Plan (40 CFR Part 49 Subpart C)	<ul style="list-style-type: none"> • Eliminate duplicative requirements regarding threatened or endangered species and historic properties, which are already addressed through APD review process • Allow operators to satisfy section 49.160(c)(iv) registration requirements by providing actual emissions data (based on first 30 days of production), similar to Subpart OOOO rules for New Source Performance Standards (NSPS) • Streamline permitting for synthetic minor sources 	Regulation	Oil
OAR	Cross-State Air Pollution Rule (CSAPR) Update Rule	<ul style="list-style-type: none"> • Revise to reduce burden • Reconsider to increase state emission budgets and identify additional states that can be removed from coverage under the program • Address other issues raised in industry petitions • Address deficiencies in modeling and international transport 	Regulation	Coal, Electric power
OAR	Notice of Availability of the EPA’s Preliminary	<ul style="list-style-type: none"> • Withdraw and correct flawed assumptions for EGU retirements, as well as assumptions regarding implementation of the 111(d) rule 	Regulation	Electric Power

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
	Interstate Ozone Transport Modeling Data for the 2015 Ozone NAAQS (82 Fed. Reg. 1733, January 6, 2017)			
OAR	Regional Haze Program	<ul style="list-style-type: none"> • Review Federal Implementation Plans to reduce burden • Increase delegation to states and do not second guess state implementation plans • Grant industry petitions for reconsideration on regional haze regulations 	Regulation and Policy	Coal, Electric Power
OAR	“Once in, Always in” MACT Applicability Policy	<ul style="list-style-type: none"> • Revise to incentivize emission-reducing improvements • Withdraw and replace with 2007 proposal that would allow a major source to become an area source where its HAP emissions have been reduced to minor source levels • Provide an exception to the policy for sources that reduce emissions below major source thresholds through pollution prevention measures that are permanent and enforceable 	Guidance	Oil, Natural Gas, Coal, Electric Power
OAR	Mercury and Air Toxics Rule (MATS)	<ul style="list-style-type: none"> • Revise to reduce burden and remove co-benefits from economic analysis • Revise performance testing provisions • Reevaluate and improve compliance testing waiver provisions for low-emitting sources • Amend provisions pertaining to demonstration of low-emitting status to permit use of actual unit operating data rather than potential maximum operating data • Clarify reference value to be used in system integrity checks • Re-evaluate/revise to address other remaining ambiguous and inconsistent provisions 	Regulation	Coal, Electric power
OAR	Proposed MATS Completion of Electronic Reporting Requirements	<ul style="list-style-type: none"> • Streamline electronic reporting requirements • Allow use of Emissions Collection and Monitoring Plan System (ECMPS) software for electronic reporting under MATS, as proposed 	Regulation	Electric Power

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
	Rule (81 Fed. Reg. 67,062, Sept. 29, 2016)	<ul style="list-style-type: none"> • Reduce extent of new, detailed reporting called for in the proposal to ensure additional reporting burden will not be larger than cost savings • Reduce amount of information EGUs would have to report both for performance stack tests and continuous emissions monitoring systems (e.g., with regard to relative accuracy test audits (RATA), relative response audits (RRA), and response correlation audits (RCA)) 		
OAR	MATS Residual Risk and Technology (RTR) Review	<ul style="list-style-type: none"> • Complete review for coal-fired power plants covered by MATS by the statutory deadline 	Regulation	Electric Power
OAR	National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers and Process Heaters (“Boiler MACT”)	<ul style="list-style-type: none"> • Streamline redundant reporting requirements, including those that are duplicative with Title V requirements • Amend frequency of required tune-ups to be based on calendar years instead of every 13 months, since compliance deadlines based on calendar years are more manageable • Propose revisions to emission limits that are cost-effective 	Regulation	Electric Power
OAR	Refinery Risk and Technology Review (RTR)	<ul style="list-style-type: none"> • Reject environmental group petitions, revise flare requirements, eliminate fenceline monitoring • Review and revise without increasing stringency 	Regulation	Oil
OAR	Natural Gas Transmission and Storage NESHAP	<ul style="list-style-type: none"> • Clarify compliance obligations 	Regulation	Natural Gas
OAR	Site Remediation NESHAP	<ul style="list-style-type: none"> • Withdraw proposed rule 	Regulation	Oil, Electric Power
OAR	Potentially Delist Natural Gas -Fired Stationary Combustion Turbines from	<ul style="list-style-type: none"> • Revisit delisting proposal from 2004 and assess whether these sources still meet the statutory criteria for delisting. If so, EPA should promptly delist. If not, EPA should provide a transition mechanism for gas-fired turbines constructed since 2003 	Regulation	Electric power

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
	Regulation Under Section 112			
OAR	Primary copper smelters NSPS/NESHAP	<ul style="list-style-type: none"> • Revise NSPS to exempt fugitive emissions • Revise NESHAP requirements on control device and monitoring 	Regulation	Coal
OAR	Proposed NSPS for Stationary Combustion Turbines (40 C.F.R. Part 60, Subpart KKKK)	<ul style="list-style-type: none"> • Issue supplemental proposal withdrawing the 2012 proposal's reconstruction analysis and addressing other issues • Revise proposal to remove ambiguity around necessary maintenance activity • Prevent retroactive applicability of the 2012 proposed limits 	Regulation	Electric power, Natural Gas
OAR	Spark Ignition NSPS	<ul style="list-style-type: none"> • Revise notification and test requirements 	Regulation	Natural Gas
OAR	Turbine NSPS	<ul style="list-style-type: none"> • Withdraw proposed rule 	Regulation	Natural Gas
OAR	NSPS and NESHAP for Stationary Engines	<ul style="list-style-type: none"> • Revise to reduce burden, including for remote engines • Resolve overlapping regulatory programs and subcategory ranges • Revise unnecessary, duplicative or excessive testing, maintenance and record-keeping requirements • Eliminate unnecessary restrictions on operation of emergency engines • Exempt emergency engines under 500 HP • Allow power plants the option to develop their own operation and maintenance plans • Revise definition of "emergency situation" • Modify to require performance testing for non-emergency engines based exclusively on hours of use (rather than every 8,760 hours of operation or three years, whichever comes first) • Modify requirement for continuous monitoring of catalyst inlet temperature and pressure drop • Revise construction commencement notification requirements 	Regulation	Coal, Natural Gas, Electric power
OAR	Nonroad engine NSPS	<ul style="list-style-type: none"> • Revise to clarify exemption for nonroad engines temporarily replacing stationary engines 	Regulation	Coal
OAR	Oil and Natural Gas CTG	<ul style="list-style-type: none"> • Withdraw rule • Revise stringency and incorporate cost-effective VOC thresholds 	Regulation	Oil

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
		<ul style="list-style-type: none"> • Provide flexibility for states to eliminate VOC controls in NOx-limited airsheds 		
OAR	NSPS Electronic Reporting Requirements (codified in general provisions in Subpart A and in individual subparts)	<ul style="list-style-type: none"> • Withdraw signed (but unpublished) final rule and issue new proposal • Replace existing requirements for reporting using the Electronic Reporting Tool (ERT) with a more workable electronic reporting system • Reduce volume of information that must be reported. 	Regulation	Electric power
OAR	Stack testing and reporting requirements (across multiple rules and programs, including CAA sections 110 and 112, as well as CAA title IV and title V	<ul style="list-style-type: none"> • Stream line duplicative or unnecessary stack requirements 	Regulation	Electric power
OAR	Test Method for Determining Stack Test Gas Velocity Taking into Account Velocity Decay Near the Stack Walls	<ul style="list-style-type: none"> • Finalize revisions as proposed 	Regulation	Electric power
OAR	Compliance Assurance Monitoring (CAM) Provisions	<ul style="list-style-type: none"> • Eliminate requirements that have become unnecessary and outdated in light of subsequent regulations 	Regulation	Electric Power
OAR	Monitoring and Testing Requirements	<ul style="list-style-type: none"> • Eliminate monitoring certification and QA/QC redundancies between Part 60 and Part 75 • Reduce MATS requirements for CEMS (Continuous Emissions Monitoring System) certification on bypass stacks in cases where they are rarely used • Exempt from Part 60 opacity monitoring requirements units on which a PM CPMS (Continuous Parameter Monitoring System) or PM CEMS is installed • Reduce RICE MACT monitoring and testing requirements for non-emergency engines that operate less than 50 hours per year 	Regulation, Guidance	Electric Power

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
		<ul style="list-style-type: none"> • Reduce number of RATA (relative accuracy test audit) runs required under Part 75 from 9 to 3 • Update 40 CFR Part 70 Appendix D and Appendix E to approve the use of ultrasonic meters • Revise or eliminate other requirements 		
OAR	Quality Assurance Requirements for PM Continuous Monitoring (40 CFR Part 60 App. F, Procedure 2, Section 10.4)	<ul style="list-style-type: none"> • Due to comment on direct final rule, it had to be withdrawn. EPA should complete the rulemaking process and issue a final rule revising section 10.4 	Regulation	Electric power
OAR	Startup, Shutdown and Malfunction (SSM) SIP Calls and Findings of Inadequacy	<ul style="list-style-type: none"> • Withdraw SSM SIP calls consistent with EPA's limited authority under the Clean Air Act • Revise SSM policies, including allowing work practice standards • Do not finalize rulemaking to remove affirmative defense provisions 	Regulation	Natural Gas, Coal, Electric power
OAR	Guidelines on Air Quality Modeling ("Appendix W")	<ul style="list-style-type: none"> • Update AERMOD for permit modeling or allow alternatives to dispersion modeling • Address issues raised in NAAQS Implementation Coalition petition for reconsideration 	Regulation	Natural Gas, Electric power
OAR	AP-42 Emission Factors	<ul style="list-style-type: none"> • Make long-overdue revisions to the emission factors to improve accuracy and help streamline the permitting process 	Guidance	Oil, Natural Gas, Coal, Electric Power
OAR	Rules governing compliance demonstrations under the Acid Rain Program and CSAPR (at 40 CFR Part 75)	<ul style="list-style-type: none"> • Update fuel sampling and analysis requirements to reflect current market and operating conditions, and incorporate relief already provided for individual sources by petition. 	Regulation	Electric power
OAR	Fuel Regulations	<ul style="list-style-type: none"> • Revise requirements for reformulated gasoline • Lower Reid vapor pressure (RVP) of the complex model valid range 	Regulation	Oil

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
		<ul style="list-style-type: none"> Remove obsolete regulatory text and reporting requirements for fuels in 40 CFR part 80 Revise gasoline loading racks regulations to allow temporary relaxation 		
OAR	Evaporative Emissions Regulation	<ul style="list-style-type: none"> Provide RVP relief to E15 and higher ethanol blends to allow more widespread use of ethanol and other lower cost fuels that improve air quality 	Regulation	Biofuel
OAR	Lifecycle Analysis for Corn Ethanol	<ul style="list-style-type: none"> Update analysis Modify outdated modeling assumptions related to corn planted in no-till and low-tillage systems Calculate impact that individual biofuel crops have on soil carbon stocks and consider establishing a credit for crops like corn that increase soil carbon Adopt more realistic assumptions for application of fertilizer and emissions of nitrous oxide (N₂O) from corn production 	Regulation	Biofuel
OAR	CAA Section 211(f)	<ul style="list-style-type: none"> Modify EPA's mistaken "substantially similar" interpretation so as not to limit the concentration of ethanol in fuel 	Regulation	Biofuel
OAR	Approval Process for New Fuels	<ul style="list-style-type: none"> Streamline process and eliminate unreasonable criteria for approval in order to allow high-octane fuels (such as E25-40 blends) to compete in the marketplace 	Regulation	Biofuel
OAR	CAFE Rules	<ul style="list-style-type: none"> Update "R" factor for fuel economy compliance calculations to better represent modern engines and fuels Adjust fuel economy (CAFE) compliance to allow flex fuel vehicles (FFVs) to utilize the same incentives that are provided to other alternative fuel vehicles Correct bias against flex-fueled vehicles capable of operating on alternative fuels ranging from straight gasoline to 85% ethanol, during the review of the 2022-2025 model year CAFE-GHG standards. Discontinue use of the model (which erroneously estimates increased emissions from higher ethanol blends) until a new emissions study based on real-world test fuels and methods is conducted 	Regulation	Biofuel

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
OAR	Fuel Survey Programs (Such as E15 Survey (40 CFR 80.15021))	<ul style="list-style-type: none"> Streamline and consider eliminating costly surveys that offer little or no regulatory benefit 	Regulatory	Biofuel
OAR	Cellulosic Waiver Credit Program and Efficient Producer Pathways	<ul style="list-style-type: none"> Eliminate unnecessary barriers to cellulosic ethanol production from corn kernel fiber 	Regulatory	Biofuel
OAR	GHG Mandatory Reporting Rule	<ul style="list-style-type: none"> Reevaluate/repeal rule to reduce burden Streamline amount of measurements and data elements required Tailor program based on comprehensive program review to see what is necessary and what is not Amend 40 CFR 98 Subpart W reporting requirements and update emission to reflect current practices Replace unnecessary leak surveys with emission factors based on data recently collected and analyzed from the surveys Redefine “stationary fuel combustion sources” to exclude certain miscellaneous sources that have negligible emissions but add significant burden Repeal recent Subpart W amendments, i.e., 81 FR 86490 (11/30/16) and 80 FR 64262 (10/22/15) Repeal duplicative 40 CFR 98 Subpart NN Exempt emissions data that EGUs already submit pursuant to other rules, such as the Acid Rain Program Incentivize deployment of carbon sequestration and storage by clarifying that carbon dioxide utilized for enhanced oil recovery should be reported under Subpart UU and not under Subpart RR 	Regulation	Oil, Natural Gas, Coal, Electric Power, Biofuel
OAR	Proposed Health and Environmental Protection Standards for Uranium In-Situ Recovery (ISR) Facilities (“Part 192”) Rule	<ul style="list-style-type: none"> Withdraw proposed rule 	Regulation	Nuclear, Coal

EPA Office	EPA Regulation, Guidance Document, or Policy	Commenter Recommendations	Type of Action	Affected Energy Resources
OAR	National Emissions Standards for Radon Emissions from Operating Uranium Mill Tailings	<ul style="list-style-type: none"> • Revise rule to reduce burden 	Regulation	Nuclear
OAR	Environmental Radiation Protection Standards for Nuclear Power Operations (2014 Advanced Notice of Proposed Rulemaking)	<ul style="list-style-type: none"> • Do not revise standards 	Regulation	Nuclear